



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Tom C. King
State Auditor and Efficiency Expert
Austin, Texas

Dear Sir:

Opinion No. O-1537
Re: Is an affiliated high school limited to an eight months term under Section 13, House Bill 933, Acts 16th Legislature?

We received your letter of November 29th, 1939, in which you request our opinion on the following question:

"In the case of an affiliated high school with sufficient State and County available funds to pay its teachers' salaries for eight months, is such school precluded from receiving salary aid under this section?"

Section 13, House Bill 933, Acts 16th Legislature, usually referred to as the Rural Aid Bill, reads in part as follows:

"The trustees of the schools authorized to apply for Aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority a list of the teachers employed in the schools showing the monthly salary, experience, and training of each, together with an itemized statement of budgeted receipts and expenditures, the

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length of term and such other information as may be required, and the State Superintendent under the direction of the Joint Legislative Advisory Committee may, subject to the provisions of this Act, grant to the school such an amount of this fund as will, with the State and County available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months for classified or affiliated high schools and approximately eight (8) months for unaccredited high schools; provided that if the school has sufficient State and County available funds to maintain the school for an eight (8) month term according to the salary schedule adopted by the State Board of Education for the school year 1938-1939 or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 8, it shall not be eligible to receive aid; . . ."

Ordinarily, a proviso is limited to the clause which next precedes it and to which it is attached. 39 T. J. 193. A statutory grant will be construed in such a manner as to effectuate the legislative intent and to render the grant operative. As a rule, a grant that is made for public advantages or purposes will be construed liberally. 39 T. J. 279.

The construction we place on the proviso "provided that if the school has sufficient State and County available funds to maintain these schools for an eight (8) months term," is that this proviso refers to unaccredited or unaffiliated high schools. To take the position that the proviso refers to affiliated high schools would render meaningless the words "maintain the school for a term not to exceed nine (9) months for classified or affiliated high schools." This latter view would create a conflict in the Article, and clearly was not the intent of the Legislature; therefore, your question is answered in the negative.

Trusting that this will answer your inquiry satisfactorily, we are

Yours very truly

APPROVED: DEC. 18, 1939
(s) Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

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APPROVED: OPINION COMMITTEE
By B. W. B. , Chairman

By (Signed) Hirschbie Johnson
Hirschbie Johnson
Assistant